

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Kevin McDonald	:	Bky. No.: 13-15915-elf
Kirsten McDonald	:	
	:	
	:	
Debtors	:	Chapter 13

**DEBTORS' ANSWER IN OPPOSITION TO THE MOTION FOR RELIEF FROM
STAY FILED BY BAYVIEW LOAN SERVICING, LLC**

The Debtors herein, Kevin McDonald and Kirsten McDonald, by and through their counsel hereby answers the Motion for Relief from the Automatic Stay filed by Bayview Loan Servicing, LLC as follows:

1. Admitted.
2. Admitted.
3. Denied. Movant is not the holder of a mortgage. The Debtors have requested that Bayview produce the original mortgage, note and deed and Bayview informed the Debtors that they do not have the documents.
In August of 2017, Wells Fargo informed the Debtors that their loan was being sold. Wells Fargo would no longer accept the mortgage payments and no one would speak to the Debtors. For many months no one would take the Debtors calls or provide any information. The Debtors put aside the money and finally, in May of 2018, their mortgage payments were accepted.
Bayview caused this problem, but still has not produced the original documents, and, unconscionably, is requesting attorney's fees and costs for filing this motion.
THE DEBTORS HEREBY REQUEST THAT MOVANT PRODUCE THE ORIGINAL DOCUMENTS FOR INSPECTION AND COPYING AT DEBTORS' COUNSEL'S OFFICE ON OR BEFORE AUGUST 2, 2018, OR BE SANCTIONED, AND ALSO PAY DEBTORS' COUNSEL FEES FOR NOT PRODUCING DOCUMENTS, NOT TAKING OR RETURNING PHONE CALLS AND FOR HAVING TO RESPOND TO THIS MOTION.
4. Admitted.

5. Denied. No commencement or continuation of any foreclosure proceeding is applicable in this case. Strict proof is demanded of why this is being alleged.
6. Denied. This averment is denied for the reasons stated in response to paragraph 3 as if set forth *in extenso*.
7. Denied. This averment is denied for the reasons stated in response to paragraph 3 as if set forth *in extenso*.
8. Denied. This averment is denied for the reasons stated in response to paragraph 3 as if set forth *in extenso*.
9. Denied. This averment is denied for the reasons stated in response to paragraph 3 as if set forth *in extenso*.

WHEREFORE, the Debtors respectfully request that the Court deny the relief requested in the Motion, and for such other and further relief as is just.

Respectfully submitted,

Signed: /s/Eugene A. Camposano
Eugene A. Camposano, Esquire
Attorney for Debtors

1250 Germantown Pike, Suite 205
Plymouth Meeting, PA 19462
Tel: 610-306-0626
Fax: 610-279-9390

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CERTIFICATION OF SERVICE

I, Eugene A. Camposano, hereby certify that the foregoing Debtors' Answer
Opposition to the Motion for Relief of Bayview Loan Servicing, LLC was served by
electronic means or first class mail, postage prepaid, on July 27, 2018 on the
following:

Kevin G. McDonald, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106

Respectfully submitted,

Signed: /s/Eugene A. Camposano
Eugene A. Camposano, Esquire
Attorney for Debtors

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Plymouth Meeting, PA 19462
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Fax: 610-279-9390